



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

Paper No. 4

FITCH EVEN TABIN AND FLANNERY  
120 SOUTH LA SALLE STREET  
SUITE 1600  
CHICAGO IL 60603-3406

**COPY MAILED**

In re Application of	:	DEC 17 2001
Thomas Schwegle and Klaus	:	
Sanladerer	:	
Application No. 09/843,390	:	OFFICE OF PETITIONS
Filed: April 25, 2001	:	DECISION ON PETITION
Attorney Docket No. 67107	:	
Title: AQUEOUS COMPOSITION	:	
USEFUL FOR STABILIZING AND	:	
TEXTURIZING DAIRY PRODUCTS AND	:	
PROCESS FOR PREPARING THE SAME	:	

This is in response to the "Request for Corrected Filing Receipt", filed September 4, 2001, which is properly being treated as a petition under 37 CFR §1.10, requesting that the above-identified application be accorded a filing date of April 26, 2001.

The petition is **DISMISSED**.

The application was filed on April 25, 2001. On June 19, 2001, a "Notice to File Missing Parts of Provisional Application" (Notice) was mailed, which indicated that an executed oath or declaration in compliance with 37 CFR §1.63, and a late filing fee or oath or declaration surcharge were required.

Petitioner has submitted a request that the filling date be changed to April 26, 2001.

Petitioner's request is dismissed, as petitioner has failed to set forth any persuasive arguments. A review of the official file reveals that the abstract, claims, specification, and the transmittal sheet were each date

stamped "April 25, 2001". Furthermore, the petitioner has failed to submit either a postcard receipt, showing that the items were received on April 26, 2001, or an Express Mail mailing label showing a "date in" of April 26, 2001.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                   Commissioner for Patents  
                                 Box DAC  
                                 Washington, D.C. 20231

By FAX:                   (703) 308-6916  
                                 Attn: Office of Petitions

By hand:                   Crystal Plaza Four, Suite 3C23  
                                 2201 S. Clark Place  
                                 Arlington, VA

The application is being submitted to the Office of Initial Patent Examination for further processing with a filing date of April 25, 2001.

Receipt of the executed declaration, assignment documents, recordation fee, and the one-month extension of time are acknowledged.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy